

STATE OF HAWAII  
LAND USE COMMISSION

Minutes of Meeting

County Council Chambers  
Lihue, Kauai

December 6, 1973 - 10:00 a.m.

COMMISSIONERS PRESENT: Eddie Tangen, Chairman  
Stanley Sakahashi, Vice Chairman  
James Carras  
Alexander Napier  
Tanji Yamamura

COMMISSIONERS ABSENT: Sunao Kido  
Shelley M. Mark  
Mitsuo Oura

*Approved*  
FEB 14 1974

STAFF PRESENT: Tatsuo Fujimoto, Executive Officer  
Gordan Furutani, Planner  
E. John McConnell, Deputy Attorney General  
Dora Horikawa, Clerk Reporter

Chairman Tangen swore in persons testifying during today's proceedings.

ACTION

APPLICATION BY INTER-ISLAND RESORTS, LTD. (SP73-163) TO CONSTRUCT A TENNIS COMPLEX WITHIN THE AGRICULTURAL DISTRICT AT LIHUE, KAUAI

Mr. Gordan Furutani, Planner, recommended that the special permit be approved subject to the conditions that construction of the proposed facilities be initiated within 1 year from this date; and that all applicable State and County requirements relating to health and safety be complied with (see copy of report on file).

Mr. Glenn Lovejoy, hotel general manager and corporate vice president, advised it was their intent to add 7 tennis courts to the one already existing for a total of 8 tennis courts, and that the proposed tennis pro shop would be a separate structure. He added that he was in agreement with staff's findings.

Vice Chairman Sakahashi moved that the staff's recommendation, including the two conditions, be approved. The motion was seconded by Commissioner Napier and passed.

APPLICATION BY THE COUNTY OF KAUAI DEPARTMENT OF PUBLIC WORKS (SP73-164) FOR A SPECIAL PERMIT TO ESTABLISH A PUBLIC REFUSE DISPOSAL SITE WITHIN THE AGRICULTURAL DISTRICT AT NAWILIWILI, NIUMALU, KAUAI

The staff memo presented by Mr. Furutani recommended that this request be approved, subject to 3 conditions (see copy of report on file).

Upon motion by Vice Chairman Sakahashi, seconded by Commissioner Yamamura, the special permit was approved subject to the conditions recommended by the staff.

PETITION BY JOSEPH FLORES (A73-367) TO RECLASSIFY 24.15 ACRES FROM AGRICULTURAL TO URBAN AT LAWAI HOMESTEADS, KOLOA, KAUAI

It was announced by the Executive Officer, Mr. Fujimoto, that the Commission will be unable to take action on the subject petition today due to the lack of a quorum. However, since both the petitioner and his representative, plus the County staff members, were present today to answer questions and offer additional information, discussion will proceed as scheduled and the Commission will act on this petition tomorrow, December 7, in Honolulu where a quorum is expected.

Mr. Fujimoto noted the following corrections in the staff memorandum:

Page 6, second paragraph

Line 7 - anticipates instead of anticipated  
change instead of that  
clarification instead of classification

Line 9 - interior instead of internal  
delete words "should and"

Thereafter, Mr. Fujimoto proceeded with the presentation of the staff memo recommending that the 16.7 acres requested under this petition be reclassified from Agricultural to Urban (see copy of report on file). He also called the Commission's attention to the plot plan of the proposed subdivision which had been recently submitted by the petitioner.

In response to Chairman Tangen's observations, Mr. Fujimoto confirmed that the price range of \$23,000 to \$26,000 represented by the petitioner included a house and lot package in the medium income range. Mr. Flores, petitioner, also agreed that this representation would be binding should the petition be approved by the Commission.

Mr. Peter Taylor, engineer on the project, advised that the access to the subject property on the right side would be via an existing unpaved county road, approximately 200 feet in length. Also, McBryde Sugar Company had been approached regarding the possibility of obtaining a portion of their property to provide for another access on the left side.

Chairman Tangen recalled that the Kauai Planning Commission's negative recommendation at the public hearing was based on the lack of time to properly evaluate the petition. Therefore, he emphasized that he wanted assurance from the County that if the petition is approved by the Land Use Commission, the County Planning Department, as well as other governmental agencies involved, will be able to enforce all of its requirements to make certain that the project will conform to all County standards; especially since some of the questions which had been raised were still unanswered. Additionally, would the County explore these problem areas in depth prior to making any further recommendations?

Mr. Tom Shigemoto, staff member of the Kauai Planning Department, advised that he could not speak for the Department of Public Works, the Water Department, or the Planning Commission. However, the Kauai Planning Department had gone on record supporting the petitioner's project, so long as he was able to resolve the problems. Mr. Shigemoto felt confident that these problems could be worked out. He also agreed that the Planning Department would definitely conduct an in-depth study to explore the problem areas.

Chairman Tangen expressed his satisfaction with the representation by Mr. Shigemoto. He reiterated that it was important to ascertain this authority within the County in order that the Land Use Commission's obligation to the people to assure that housing for the middle income level, as represented by the petitioner, will be carried out. He added there was no arguing the need for this type of housing on the island of Kauai.

There was some confusion about the petitioner's representation regarding the creation of a "trust fund for the next low income project" from the sale of the remaining open space in the agricultural area on the open market. During the discussion that ensued between the Commission members and Mr. Flores, the following facts were brought out:

1. Lots 17-22 and 59-72 (colored in blue on Exhibit A) will be sold on the open market to defray development costs of lots 1-16 and 23-58 (colored in yellow) to keep these homes within the \$23,000 to \$26,000 price range. These areas proposed for development total 16.7 acres.
2. Should there be any proceeds from the sale of the open space in the agricultural area (white areas above blue section and to the extreme left on Exhibit A), this will be vested in a trust fund earmarked for another low income project by the Hawaii Rural Development Corporation. These agricultural lands will be sold as 1-acre lots. Mr. Shigemoto confirmed that subdivided agricultural lands of less than 10 acres may be cut into 1-acre lots.
3. Mr. Flores consistently maintained that he will not realize any profit from the project. His only role was that of intermediary to obtain the urban zoning, after which the Hawaii Rural Development Corporation will enter into the picture.

Mr. Shigemoto took exception to the assumption that the Planning Commission's reconsideration of its recommendation on the petition would involve the total area. He reported that the Commission was only considering the southwestern portion of the property since the other areas were fairly steep and development costs would run high.

Mr. Taylor argued that if the southwest portion could be developed, the same would hold true for the southeast portion. He maintained that the Soil Conservation people had erred in their analysis.

Chairman Tangen declared that he wanted it clearly understood that if this petition is approved by the Land Use Commission, the petitioner will work with all County agencies involved, e.g. Planning Commission, County Council, Public Works, etc., to obtain the necessary approvals before proceeding with the development, and that the gray areas will be evaluated and studied in depth by the County. Moreover, all of these conditions will go with the land no matter who the ultimate owner may be. Only under these conditions will the Land Use Commission act favorably on this petition.

Because of the time constraint involved, i.e. the expiration of the purchase option on January 31, 1974, Chairman Tangen requested that the County give this matter priority consideration.

Chairman Tangen announced that the Land Use Commission will act on this petition tomorrow and closed the discussion on A73-367.

#### HEARING

#### AMENDMENT TO THE RULES AND REGULATIONS (AR&R73-2) - IMPOSITION OF CONDITIONS

Chairman Tangen briefly summarized that the proposed amendments to the Land Use Rules and Regulations provided for imposition of conditions on petitions. These conditions will run with the land and <sup>be</sup> filed with the Bureau of Conveyances.

Mr. Fujimoto advised that Mr. Nishimoto, Planning Director of the Kauai Planning Department, had been unable to attend the meeting today but will submit written testimony expressing the County's views and recommendations within the next 15 days.

Since there was no other testimony, the hearing on AR&R73-2 was closed and the Chairman advised that additional written testimony will be accepted within the next 15 days.

#### TENTATIVE SCHEDULE

Mr. Fujimoto advised that the next meeting of the Land Use Commission will take place sometime between January 13 and February 27, 1974.

Thereafter, the meeting was adjourned.